CLAIMS

1. (Cancelled)

2. (Previously Presented) The method of claim 7 further comprising reporting the approximated bandwidth to the one or more remote devices.

3. (Previously Presented) The method of claim 7 wherein the step of receiving meaningful control packets includes recording the arrival time specified in a data field of the meaningful control packets.

4. (Previously Presented) The method of claim 7 wherein the step of receiving meaningful control packets includes recording the size of the meaningful control packets.

5. (Previously Presented) The method of claim 7 wherein the step of receiving dummy control packets includes recording the arrival time specified in a data field of the dummy control.

6. (Previously Presented) The method of claim 7 wherein the step of receiving dummy control packets includes recording the size of the dummy control packets by a receiving device.

7. (Previously Presented) A method for optimizing real-time communication between one or more remote devices on a network, the method comprising:

receiving one or more meaningful control packets from at least one remote device, the one or more meaningful control packets being usable to maintain a quality of service for the real-time communication;

receiving one or more dummy control packets from at least one remote device, the format of the dummy control packets and the format of the meaningful control packets conforming to a same control protocol; and

approximating the bandwidth available on the network based on the difference in arrival times between at least one of the meaningful control packets and at least one of the dummy control packets,

wherein the step of approximating includes computing a quotient resulting from the division of the size of the meaningful control packets and dummy control packets by the difference in arrival times of the meaningful control packets and dummy control packets.

8. (Previously Presented) A computer-readable medium having computer-executable instructions for performing the method recited in claim 7.

9-14. (Cancelled)

15. (Currently Amended) A method for optimizing real-time communication between one or more remote devices on a network, the method comprising:

~~calculating~~ approximating the bandwidth available on the network based on network conditions ~~including the~~ indicated by a difference in arrival times between a meaningful control packet and a dummy control packet and by a quotient resulting from the division of a size of the meaningful control packet and the dummy control packet by the difference; and

adjusting data transmission settings of the one or more remote devices based on the approximated bandwidth available on the network,

wherein the step of ~~calculating~~ approximating further comprises determining the bandwidth available on the network as the larger of ~~a current~~ the approximated bandwidth or a previously allocated bandwidth when none of

the meaningful control packets and dummy control packets are reported as lost over the network.

16. (Currently Amended) The method of claim 15 wherein the larger of the ~~current~~ approximated bandwidth or the previously allocated bandwidth is increased by a designated factor.

17-35. (Cancelled)

36. (Previously Presented) A system for optimizing a streaming media session occurring between one or more remote devices on a network, the system comprising:

means for receiving one or more meaningful control packets from at least one remote device, the one or more meaningful control packets being usable to maintain a quality of service during the streaming media session;

means for receiving one or more dummy control packets from at least one remote device, the format of the dummy control packets and the format of the meaningful control packets conforming to a same control protocol;

means for approximating available bandwidth on the network based on the difference in arrival times between at least one of the meaningful control packets and at least one of the dummy control packets; and

means for adjusting data transmission settings of the one or more remote devices based on the available bandwidth on the network,

wherein the means for approximating computes a quotient resulting from the division of a size determined for at least one of the meaningful control packets and at least one of the dummy control packets by the difference in arrival times of at least one of the meaningful control packets and at least one of the dummy control packets.

37. (Cancelled)